



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2017-007797F

July 17, 2017

Mr. Keith L. Baker
1320 Old Chain Bridge Road
McLean, VA 22101

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2017-007797

Dear Mr. Baker:

This is a final response to your June 19, 2017, Freedom of Information Act (FOIA) request in which you seek a copy of the justification for a non-competitive procurement for N00024-17-R-6269, FY18-19 TB37/U Multi-function Towed Array.

We conducted a thorough search of this Headquarters' files, specifically those located in the Contracts Directorate (SEA 02). Knowledgeable personnel with that office determined that the requested information is still pending completion.

I considered your request under the FOIA (5 U.S.C. 552), as amended, and the Secretary of the Navy Instruction 5720.42F. The requested documents are still pending completion and considered privileged and pre-decisional. Therefore, it is exempt from mandatory disclosure pursuant to subsection (b)(5) of the FOIA. This subsection protects pre-decisional deliberative information, the release of which would harm the government's decision-making process.

However in an effort to assist you, per the requirements set forth by the Federal Acquisition Regulation 6.305, the requested document will be posted on the "Governmentwide point of entry (FBO.gov)" within 14 days after contract award.

I am the official responsible for the decision regarding your request. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this

letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope "Freedom of Information Act Appeal." Mail the original to:

The Department of the Navy
Office of the General Counsel
Attn: FOIA APPEALS
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000.

Please mail a copy of the appeal to:

Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the foregoing, please contact Ms. Ginger Dolan at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Associate Counsel